

**Calendar No. 401**

105TH CONGRESS  
2D SESSION

**S. 2138**

**[Report No. 105-206]**

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**A BILL**

Making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes.

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JUNE 5, 1998

Read twice and placed on the calendar

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IN THE SENATE OF THE UNITED STATES

JUNE 5, 1998

Mr. DOMENICI, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

Making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the following sums are appropriated, out of any  
4       money in the Treasury not otherwise appropriated, for the  
5       fiscal year ending September 30, 1999, for energy and  
6       water development, and for other purposes, namely:

## 1 POLICY AND ADMINISTRATION

2 For necessary expenses of policy, administration, and  
3 related functions in the office of the Commissioner, the  
4 Denver office, and offices in the five regions of the Bureau  
5 of Reclamation, to remain available until expended,  
6 \$48,000,000, to be derived from the Reclamation Fund  
7 and be nonreimbursable as provided in 43 U.S.C. 377:  
8 *Provided*, That no part of any other appropriation in this  
9 Act shall be available for activities or functions budgeted  
10 as policy and administration expenses.

## 11 ADMINISTRATIVE PROVISION

12 Appropriations for the Bureau of Reclamation shall  
13 be available for purchase of not to exceed six passenger  
14 motor vehicles for replacement only.

## 15 TITLE III

## 16 DEPARTMENT OF ENERGY

## 17 ENERGY PROGRAMS

## 18 ENERGY SUPPLY

19 For expenses of the Department of Energy activities  
20 including the purchase, construction and acquisition of  
21 plant and capital equipment and other expenses necessary  
22 for energy supply, uranium supply and enrichment activi-  
23 ties in carrying out the purposes of the Department of  
24 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-  
25 ing the acquisition or condemnation of any real property  
26 or any facility or for plant or facility acquisition, construc-

1 tion, or expansion; and the purchase of 22 passenger  
2 motor vehicles for replacement only, \$699,836,000, to re-  
3 main available until October 1, 2000, of which not to ex-  
4 ceed \$25,000 may be used for official reception and rep-  
5 resentation expenses for transparency activities and of  
6 which not to exceed \$1,500,000 may be used to pay a por-  
7 tion of the expenses necessary to meet the United States'  
8 annual obligations of membership in the Nuclear Energy  
9 Agency.

10 NON-DEFENSE ENVIRONMENTAL MANAGEMENT

11 For Department of Energy expenses, including the  
12 purchase, construction and acquisition of plant and capital  
13 equipment and other expenses necessary for non-defense  
14 environmental management activities in carrying out the  
15 purposes of the Department of Energy Organization Act  
16 (42 U.S.C. 7101 et seq.), including the acquisition or con-  
17 demnation of any real property or any facility or for plant  
18 or facility acquisition, construction or expansion,  
19 \$456,700,000, to remain available until expended.

20 URANIUM ENRICHMENT DECONTAMINATION AND

21 DECOMMISSIONING FUND

22 For necessary expenses in carrying out uranium en-  
23 richment facility decontamination and decommissioning,  
24 remedial actions and other activities of title II of the  
25 Atomic Energy Act of 1954 and title X, subtitle A of the  
26 Energy Policy Act of 1992, \$200,000,000, to be derived

1 from the Fund, to remain available until expended: *Pro-*  
 2 *vided*, That \$30,000,000 of amounts derived from the  
 3 Fund for such expenses shall be available in accordance  
 4 with title X, subtitle A, of the Energy Policy Act of 1992.

#### 5 SCIENCE

6 For expenses of the Department of Energy activities  
 7 including the purchase, construction and acquisition of  
 8 plant and capital equipment and other expenses necessary  
 9 for science activities in carrying out the purposes of the  
 10 Department of Energy Organization Act (42 U.S.C. 7101  
 11 et seq.), including the acquisition or condemnation of any  
 12 real property or facility or for plant or facility acquisition,  
 13 construction, or expansion, and purchase of 15 passenger  
 14 motor vehicles for replacement only, \$2,669,560,000, to  
 15 remain available until expended: *Provided*, That  
 16 \$7,600,000 of the unobligated balances originally available  
 17 for Superconducting Super Collider termination activities  
 18 shall be made available for other activities under this  
 19 heading.

#### 20 NUCLEAR WASTE DISPOSAL FUND

21 For nuclear waste disposal activities to carry out the  
 22 purposes of Public Law 97–425, as amended, including  
 23 the acquisition of real property or facility construction or  
 24 expansion, \$190,000,000, to remain available until ex-  
 25 pended, to be derived from the Nuclear Waste Fund; of  
 26 which not to exceed \$4,875,000 may be provided to the

1 State of Nevada solely to conduct scientific oversight re-  
2 sponsibilities pursuant to the Nuclear Waste Policy Act  
3 of 1982; and of which not to exceed \$5,540,000 may be  
4 provided to affected local governments, as defined in Pub-  
5 lic Law 97-425, to conduct appropriate activities pursuant  
6 to the Act: *Provided*, That the distribution of the funds  
7 to the units of local government shall be determined by  
8 the Department of Energy: *Provided further*, That the  
9 funds shall be made available to the units of local govern-  
10 ment by direct payment: *Provided further*, That within  
11 ninety days of the completion of each Federal fiscal year,  
12 each local entity shall provide certification to the Depart-  
13 ment of Energy, that all funds expended from such pay-  
14 ments have been expended for activities as defined in Pub-  
15 lic Law 97-425. Failure to provide such certification shall  
16 cause such entity to be prohibited from any further fund-  
17 ing provided for similar activities: *Provided further*, That  
18 none of the funds herein appropriated may be: (1) used  
19 directly or indirectly to influence legislative action on any  
20 matter pending before Congress or a State legislature or  
21 for lobbying activity as provided in 18 U.S.C. 1913; (2)  
22 used for litigation expenses; or (3) used to support  
23 multistate efforts or other coalition building activities in-  
24 consistent with the restrictions contained in this Act.

## DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed \$35,000), \$238,539,000, to remain available until expended: *Provided*, That moneys received by the Department for miscellaneous revenues estimated to total \$136,530,000 in fiscal year 1999 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1999 so as to result in a final fiscal year 1999 appropriation from the General Fund estimated at not more than \$102,009,000.

## OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$27,500,000, to remain available until expended.

## 1           ATOMIC ENERGY DEFENSE ACTIVITIES

## 2                           WEAPONS ACTIVITIES

3           For Department of Energy expenses, including the  
4 purchase, construction and acquisition of plant and capital  
5 equipment and other incidental expenses necessary for  
6 atomic energy defense weapons activities in carrying out  
7 the purposes of the Department of Energy Organization  
8 Act (42 U.S.C. 7101 et seq.), including the acquisition or  
9 condemnation of any real property or any facility or for  
10 plant or facility acquisition, construction, or expansion;  
11 the purchase of one fixed wing aircraft; and the purchase  
12 of passenger motor vehicles (not to exceed 32 for replace-  
13 ment only, and one bus), \$4,445,700,000, to remain avail-  
14 able until expended: *Provided*, That funding for any ballis-  
15 tic missile defense program undertaken by the Depart-  
16 ment of Energy for the Department of Defense shall be  
17 provided by the Department of Defense according to pro-  
18 cedures established for Work for Others by the Depart-  
19 ment of Energy.

## 20       DEFENSE ENVIRONMENTAL RESTORATION AND WASTE

## 21                           MANAGEMENT

22       For Department of Energy expenses, including the  
23 purchase, construction and acquisition of plant and capital  
24 equipment and other expenses necessary for atomic energy  
25 defense environmental restoration and waste management  
26 activities in carrying out the purposes of the Department



1 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
 2 cluding the acquisition or condemnation of any real prop-  
 3 erty or any facility or for plant or facility acquisition, con-  
 4 struction, or expansion; and the purchase of passenger  
 5 motor vehicles (not to exceed 3 new sedans and 6 for re-  
 6 placement only, of which 3 are sedans, 2 are buses, and  
 7 one is an ambulance), \$4,293,403,000, to remain available  
 8 until expended.

#### 9 DEFENSE FACILITIES CLOSURE PROJECTS

10 For expenses of the Department of Energy to acceler-  
 11 ate the closure of defense environmental management  
 12 sites, including the purchase, construction and acquisition  
 13 of plant and capital equipment and other necessary ex-  
 14 penses, \$1,048,240,000, to remain available until ex-  
 15 pended.

#### 16 DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

17 For Department of Energy expenses for privatization  
 18 projects necessary for atomic energy defense environ-  
 19 mental restoration and waste management activities au-  
 20 thorized by the Department of Energy Organization Act  
 21 (42 U.S.C. 7101, et seq.), \$241,857,000, to remain avail-  
 22 able until expended.

#### 23 OTHER DEFENSE ACTIVITIES

24 For Department of Energy expenses, including the  
 25 purchase, construction and acquisition of plant and capital  
 26 equipment and other expenses necessary for atomic energy

1 defense, other defense activities, in carrying out the pur-  
2 poses of the Department of Energy Organization Act (42  
3 U.S.C. 7101, et seq.), including the acquisition or con-  
4 demnation of any real property or any facility or for plant  
5 or facility acquisition, construction, or expansion,  
6 \$1,658,160,000, to remain available until expended: *Pro-*  
7 *vided*, That of the amount appropriated herein \$5,000,000  
8 shall be available for the joint U.S.-Russian development  
9 of a passively safe advanced reactor technology to dispose  
10 of Russian excess weapons derived plutonium: *Provided*  
11 *further*, That \$56,700,000 appropriated herein is to pro-  
12 cure plutonium disposition services and to begin Title I  
13 design for a mixed-oxide fuel fabrication facility: *Provided*  
14 *further*, That such funds shall not be available except as  
15 necessary to implement a bilateral program with the Rus-  
16 sian Federation to convert to non-weapons forms and dis-  
17 pose of excess weapons plutonium in accordance with  
18 which the United States will at no time convert to non-  
19 weapons forms quantities of excess weapons plutonium  
20 greater than those converted to non-weapons forms by the  
21 Russian Federation.

22 DEFENSE NUCLEAR WASTE DISPOSAL

23 For nuclear waste disposal activities to carry out the  
24 purposes of Public Law 97-425, as amended, including  
25 the acquisition of real property or facility construction or

1 expansion, \$185,000,000, to remain available until ex-  
 2 pended.

3           POWER MARKETING ADMINISTRATIONS

4           OPERATION AND MAINTENANCE, ALASKA POWER

5           ADMINISTRATION

6           For capital assets acquisition, \$5,000,000, to remain  
 7 available until expended.

8           BONNEVILLE POWER ADMINISTRATION FUND

9           Expenditures from the Bonneville Power Administra-  
 10 tion Fund, established pursuant to Public Law 93-454,  
 11 are approved for official reception and representation ex-  
 12 penses in an amount not to exceed \$3,000.

13          During fiscal year 1999, no new direct loan obliga-  
 14 tions may be made.

15          OPERATION AND MAINTENANCE, SOUTHEASTERN POWER

16          ADMINISTRATION

17          For necessary expenses of operation and maintenance  
 18 of power transmission facilities and of marketing electric  
 19 power and energy pursuant to the provisions of section  
 20 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as  
 21 applied to the southeastern power area, \$8,500,000, to re-  
 22 main available until expended; in addition, notwithstand-  
 23 ing 31 U.S.C. 3302, not to exceed \$28,000,000 in reim-  
 24 bursements of which \$20,000,000 is for transmission  
 25 wheeling and ancillary services and \$8,000,000 is for

1 power purchases at the Richard B. Russell Project, to re-  
 2 main available until expended.

3 OPERATION AND MAINTENANCE, SOUTHWESTERN POWER  
 4 ADMINISTRATION

5 For necessary expenses of operation and maintenance  
 6 of power transmission facilities and of marketing electric  
 7 power and energy, and for construction and acquisition of  
 8 transmission lines, substations and appurtenant facilities,  
 9 and for administrative expenses, including official recep-  
 10 tion and representation expenses in an amount not to ex-  
 11 ceed \$1,500 in carrying out the provisions of section 5  
 12 of the Flood Control Act of 1944 (16 U.S.C. 825s), as  
 13 applied to the southwestern power area, \$26,000,000, to  
 14 remain available until expended; in addition, notwith-  
 15 standing the provisions of 31 U.S.C. 3302, not to exceed  
 16 \$4,200,000 in reimbursements, to remain available until  
 17 expended.

18 CONSTRUCTION, REHABILITATION, OPERATION AND  
 19 MAINTENANCE, WESTERN AREA POWER ADMINISTRATION  
 20 (INCLUDING TRANSFER OF FUNDS)

21 For carrying out the functions authorized by title III,  
 22 section 302(a)(1)(E) of the Act of August 4, 1977 (42  
 23 U.S.C. 7152), and other related activities including con-  
 24 servation and renewable resources programs as author-  
 25 ized, including official reception and representation ex-  
 26 penses in an amount not to exceed \$1,500, \$215,435,000,

1 to remain available until expended, of which \$206,222,000  
 2 shall be derived from the Department of the Interior Rec-  
 3 lamation Fund: *Provided*, That of the amount herein ap-  
 4 propriated, \$5,036,000 is for deposit into the Utah Rec-  
 5 lamation Mitigation and Conservation Account pursuant  
 6 to title IV of the Reclamation Projects Authorization and  
 7 Adjustment Act of 1992.

8 FALCON AND AMISTAD OPERATING AND MAINTENANCE  
 9 FUND

10 For operation, maintenance, and emergency costs for  
 11 the hydroelectric facilities at the Falcon and Amistad  
 12 Dams, \$1,010,000, to remain available until expended,  
 13 and to be derived from the Falcon and Amistad Operating  
 14 and Maintenance Fund of the Western Area Power Ad-  
 15 ministration, as provided in section 423 of the Foreign  
 16 Relations Authorization Act, Fiscal Years 1994 and 1995.

17 FEDERAL ENERGY REGULATORY COMMISSION  
 18 SALARIES AND EXPENSES

19 For necessary expenses of the Federal Energy Regu-  
 20 latory Commission to carry out the provisions of the De-  
 21 partment of Energy Organization Act (42 U.S.C. 7101 et  
 22 seq.), including services as authorized by 5 U.S.C. 3109,  
 23 the hire of passenger motor vehicles, and official reception  
 24 and representation expenses (not to exceed \$3,000),  
 25 \$168,898,000, to remain available until expended: *Pro-*  
 26 *vided*, That notwithstanding any other provision of law,

1 not to exceed \$168,898,000 of revenues from fees and an-  
2 nual charges, and other services and collections in fiscal  
3 year 1999 shall be retained and used for necessary ex-  
4 penses in this account, and shall remain available until  
5 expended: *Provided further*, That the sum herein appro-  
6 priated from the General Fund shall be reduced as reve-  
7 nues are received during fiscal year 1999 so as to result  
8 in a final fiscal year 1999 appropriation from the General  
9 Fund estimated at not more than \$0.

## 10 GENERAL PROVISIONS

### 11 DEPARTMENT OF ENERGY

12 SEC. 301. (a) None of the funds appropriated by this  
13 Act or any prior appropriations Act may be used to award  
14 a management and operating contract unless such con-  
15 tract is awarded using competitive procedures or the Sec-  
16 retary of Energy grants, on a case-by-case basis, a waiver  
17 to allow for such a deviation. The Secretary may not dele-  
18 gate the authority to grant such a waiver.

19 (b) At least 60 days before a contract award, amend-  
20 ment, or modification for which the Secretary intends to  
21 grant such a waiver, the Secretary shall submit to the  
22 Subcommittees on Energy and Water Development of the  
23 Committees on Appropriations of the House of Represent-  
24 atives and the Senate a report notifying the subcommit-

tees of the waiver and setting forth the reasons for the waiver.

SEC. 302. (a) None of the funds appropriated by this Act or any prior appropriations Act may be used to award, amend, or modify a contract in a manner that deviates from the Federal Acquisition Regulation, unless the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 303. None of the funds appropriated by this Act or any prior appropriations Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy;

1 under section 3161 of the National Defense Authorization  
2 Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.  
3 2644; 42 U.S.C. 7274h).

4 SEC. 304. None of the funds appropriated by this Act  
5 or any prior appropriations Act may be used to augment  
6 the \$40,000,000 made available for obligation by this Act  
7 for severance payments and other benefits and community  
8 assistance grants under section 3161 of the National De-  
9 fense Authorization Act for Fiscal Year 1993 (Public Law  
10 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

11 SEC. 305. None of the funds appropriated by this Act  
12 or any prior appropriations Act may be used to prepare  
13 or initiate Requests For Proposals (RFPs) for a program  
14 if the program has not been funded by Congress.

15 SEC. 306. None of the funds appropriated by this Act  
16 or any prior appropriations Act may be used to decrease  
17 the concentration of radioactive contamination in waste so  
18 that such waste complies with the waste acceptance cri-  
19 teria for the Waste Isolation Pilot Plant.

20 **SEC. 307. CHANGE OF NAME OF THE OFFICE OF ENERGY**  
21 **RESEARCH.**

22 (a) IN GENERAL.—Section 209 of the Department of  
23 Energy Organization Act (42 U.S.C. 7139) is amended—



1           (1) in the section heading, by striking “ENERGY  
2       RESEARCH” and inserting “SCIENCE RESEARCH”;  
3       and

4           (2) in subsection (a), by striking “Energy Re-  
5       search” and inserting “Science Research”.

6       (b) CONFORMING AMENDMENTS.—

7           (1) TABLE OF CONTENTS.—The table of con-  
8       tents in the first section of the Department of En-  
9       ergy Organization Act (42 U.S.C. prec 7101) is  
10      amended by striking the item relating to section 209  
11      and inserting the following:

“Section 209. Office of Science Research.”.

12          (2) REFERENCES IN OTHER LAW.—Each of the  
13      following is amended by striking “Energy Research”  
14      and inserting “Science Research”:

15           (A) The item relating to the Director, Of-  
16      fice of Energy Research, Department of Energy  
17      in section 5315 of title 5, United States Code.

18           (B) Section 2902(b)(6) of title 10, United  
19      States Code.

20           (C) Section 406(h)(2)(A)(v) of the Public  
21      Health Service Act (42 U.S.C.  
22      284a(h)(2)(A)(v)).

23           (D) Sections 3167(3) and 3168 of the De-  
24      partment of Energy Science Education Enhance-  
25      ment Act (42 U.S.C. 7381d(3), 7381e).

1 (E) Paragraphs (1) and (2) of section  
 2 224(b) of the Nuclear Waste Policy Act of 1982  
 3 (42 U.S.C. 10204(b)).

4 (F) Section 2203(b)(3)(A)(i) of the Energy  
 5 Policy Act of 1992 (42 U.S.C.  
 6 13503(b)(3)(A)(i)).

7 SEC. 308. MAINTENANCE OF SECURITY AT DOE  
 8 URANIUM ENRICHMENT PLANTS.—Section 3107(h) of the  
 9 USEC Privatization Act (42 U.S.C. 2297h–5(h)) is  
 10 amended in paragraph (1), by striking “an adequate num-  
 11 ber of” and inserting “all”; and by inserting the following  
 12 paragraph:

13 “(2) FUNDING.—The Secretary of Energy shall reim-  
 14 burse a contractor or subcontractor for the costs of provid-  
 15 ing security to a gaseous diffusion plant as required to  
 16 comply with the guidelines referred to in paragraph (1).”.

17 SEC. 309. In order to facilitate administrative oper-  
 18 ations and promote sales of Federal power, upon request  
 19 of a joint operating entity, the Administrator of the Bon-  
 20 neville Power Administration shall sell, pursuant to sec-  
 21 tion 5(b)(1) of Public Law 96–501, as amended, 94 Stat.  
 22 2697, 16 U.S.C. 839c, at wholesale to such joint operating  
 23 entity electric power for the purpose of meeting the firm  
 24 power loads of regional public bodies and cooperatives that  
 25 are members or participants of the joint operating entity:

1 *Provided*, That the term “joint operating entity” means  
 2 an entity that is lawfully organized under state law as a  
 3 public body or cooperative by, and whose members or par-  
 4 ticipants include only, two or more public bodies or co-  
 5 operatives which are customers of the Administrator.

6 (TRANSFERS OF UNEXPENDED BALANCES)

7 SEC. 310. The unexpended balances of prior appro-  
 8 priations provided for activities in this Act may be trans-  
 9 ferred to appropriation accounts for such activities estab-  
 10 lished pursuant to this title. Balances so transferred may  
 11 be merged with funds in the applicable established ac-  
 12 counts and thereafter may be accounted for as one fund  
 13 for the same time period as originally enacted.

## 14 TITLE IV

### 15 INDEPENDENT AGENCIES

#### 16 APPALACHIAN REGIONAL COMMISSION

17 For expenses necessary to carry out the programs au-  
 18 thorized by the Appalachian Regional Development Act of  
 19 1965, as amended, notwithstanding section 405 of said  
 20 Act, and for necessary expenses for the Federal Co-Chair-  
 21 man and the alternate on the Appalachian Regional Com-  
 22 mission and for payment of the Federal share of the ad-  
 23 ministrative expenses of the Commission, including serv-  
 24 ices as authorized by 5 U.S.C. 3109, and hire of passenger  
 25 motor vehicles, \$67,000,000, to remain available until ex-  
 26 pended.

1 U.S.C. ch. 12A), including hire, maintenance, and oper-  
2 ation of aircraft, and purchase and hire of passenger  
3 motor vehicles, \$70,000,000, to remain available until ex-  
4 pended.

## 5 TITLE V

### 6 GENERAL PROVISIONS

7 SEC. 501. None of the funds appropriated by this Act  
8 may be used in any way, directly or indirectly, to influence  
9 congressional action on any legislation or appropriation  
10 matters pending before Congress, other than to commu-  
11 nicate to Members of Congress as described in section  
12 1913 of title 18, United States Code.

13 SEC. 502. (a) PURCHASE OF AMERICAN-MADE  
14 EQUIPMENT AND PRODUCTS.—It is the sense of the Con-  
15 gress that, to the greatest extent practicable, all equip-  
16 ment and products purchased with funds made available  
17 in this Act should be American-made.

18 (b) NOTICE REQUIREMENT.—In providing financial  
19 assistance to, or entering into any contract with, any en-  
20 tity using funds made available in this Act, the head of  
21 each Federal agency, to the greatest extent practicable,  
22 shall provide to such entity a notice describing the state-  
23 ment made in subsection (a) by the Congress.

24 (c) PROHIBITION OF CONTRACTS WITH PERSONS  
25 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—

1 If it has been finally determined by a court or Federal  
2 agency that any person intentionally affixed a label bear-  
3 ing a “Made in America” inscription, or any inscription  
4 with the same meaning, to any product sold in or shipped  
5 to the United States that is not made in the United  
6 States, the person shall be ineligible to receive any con-  
7 tract or subcontract made with funds made available in  
8 this Act, pursuant to the debarment, suspension, and ineli-  
9 gibility procedures described in sections 9.400 through  
10 9.409 of title 48, Code of Federal Regulations.

11 SEC. 503. None of the funds made available in this  
12 Act may be provided by contract or by grant (including  
13 a grant of funds to be available for student aid) to any  
14 institution of higher education, or subelement thereof, that  
15 is currently ineligible for contracts and grants pursuant  
16 to section 514 of the Departments of Labor, Health and  
17 Human Services, and Education, and Related Agencies  
18 Appropriations Act, 1997 (as contained in section 101(e)  
19 of division A of Public Law 104–208; 110 Stat. 3009–  
20 270).

21 SEC. 504. None of the funds made available in this  
22 Act may be obligated or expended to enter into or renew  
23 a contract with a contractor that is subject to the report-  
24 ing requirement set forth in subsection (d) of section 4212

1 of title 38, United States Code, but has not submitted the  
2 most recent report required by such subsection.

3 SEC. 505. None of the funds made available in this  
4 Act to pay the salary of any officer or employee of the  
5 Department of the Interior may be used for the Animas-  
6 La Plata Project, in Colorado and New Mexico, except for:  
7 (1) activities required to comply with the applicable provi-  
8 sions of current law; and (2) continuation of activities pur-  
9 suant to the Colorado Ute Indian Water Rights Settle-  
10 ment Act of 1988 (Public Law 100–585).

11 SEC. 506. (a) None of the funds appropriated or oth-  
12 erwise made available by this Act may be used to deter-  
13 mine the final point of discharge for the interceptor drain  
14 for the San Luis Unit until development by the Secretary  
15 of the Interior and the State of California of a plan, which  
16 shall conform to the water quality standards of the State  
17 of California as approved by the Administrator of the En-  
18 vironmental Protection Agency, to minimize any detrimen-  
19 tal effect of the San Luis drainage waters.

20 (b) The costs of the Kesterson Reservoir Cleanup  
21 Program and the costs of the San Joaquin Valley Drain-  
22 age Program shall be classified by the Secretary of the  
23 Interior as reimbursable or nonreimbursable and collected  
24 until fully repaid pursuant to the “Cleanup Program—  
25 Alternative Repayment Plan” and the “SJVDP—Alter-

1 native Repayment Plan” described in the report entitled  
 2 “Repayment Report, Kesterson Reservoir Cleanup Pro-  
 3 gram and San Joaquin Valley Drainage Program, Feb-  
 4 ruary 1995”, prepared by the Department of the Interior,  
 5 Bureau of Reclamation. Any future obligations of funds  
 6 by the United States relating to, or providing for, drainage  
 7 service or drainage studies for the San Luis Unit shall  
 8 be fully reimbursable by San Luis Unit beneficiaries of  
 9 such service or studies pursuant to Federal Reclamation  
 10 law.

11 SEC. 507. Section 6101(a)(3) of the Omnibus Budget  
 12 Reconciliation Act of 1990 (42 U.S.C. 2214(a)(3)) is  
 13 amended by striking “September 30, 1998” and inserting  
 14 “September 30, 1999”.

15 SEC. 508. None of the funds made available in this  
 16 or any other Act may be used to restart the High Flux  
 17 Beam Reactor.

## 18 TITLE VI

### 19 DENALI COMMISSION

#### 20 SEC. 601. SHORT TITLE.

21 This title may be cited as the “Denali Commission  
 22 Act of 1998”.

#### 23 SEC. 602. FINDINGS.

24 The Congress finds that—